

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DESMOND DAVID-PITTS,

Defendant.

NO. MJ20-547

COMPLAINT FOR VIOLATIONS

18 U.S.C. § 844(f)

18 U.S.C. § 844(i)

BEFORE, Mary Alice Theiler, United States Magistrate Judge, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Arson)

On or about August 24, 2020, at Seattle, in the Western District of Washington, DESMOND DAVID-PITTS did maliciously damage and destroy, and attempt to damage and destroy, by means of fire, a building, namely, the Seattle Police Department East Precinct, located at 1519 12th Avenue, Seattle, that was used by the Seattle Police Department in interstate and foreign commerce and in an activity affecting interstate and foreign commerce, and that was in whole or in part owned and possessed by the Seattle Police Department, an institution and organization receiving Federal financial assistance.

All in violation of Title 18, United States Code, Sections 844(f)(1) and 844(i).

1 This complaint is to be presented by reliable electronic means pursuant to Federal
2 Rules of Criminal Procedure 4.1 and 41(d)(3).

3 The undersigned complainant, Michael J. Collier, being duly sworn, further
4 deposes and states as follows:

5 **INTRODUCTION**

6 I am a special agent (SA) duly sworn and employed by the U.S. Department of
7 Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I am assigned to
8 the ATF Seattle Field Office. I have been an ATF Special Agent since December 13,
9 2009, responsible for investigating and enforcing violations of federal law. I am also a
10 Certified Explosives Specialist (SACES) and Special Agent Canine Handler (SACH).

11 I graduated from the Criminal Investigator Training Program and the ATF Special
12 Agent Basic Training Program, which are both located at the Federal Law Enforcement
13 Training Center in Glynco, Georgia. I completed the ATF Digital Media Collection
14 Specialist Training course and have conducted multiple forensic collections of data from
15 multiple digital media and other electronic storage platforms. I have completed the ATF
16 Certified Explosives Specialist (CES) program, and am responsible for explosive
17 operations, arson investigations, explosive investigations, identifying explosive materials,
18 and mitigating explosives found to be hazardous in nature. I have completed the
19 International Association of Arson Investigators, Fire Investigation Technician Program
20 (FIT) and have been certified as a Fire Investigation Technician. I have planned,
21 supervised, and conducted multiple explosive recoveries and disposals as well as seizure
22 of unlawful or improvised explosive materials. I received my Bachelor of Science degree
23 in Psychology and a second degree in Criminal Justice from Towson University in
24 Towson, Maryland. I obtained a Master of Science degree in Criminal Justice
25 Administration from Columbia Southern University in Orange Beach, Alabama. I also
26 obtained a Master of Science Graduate certificate in Explosives Engineering from
27 Missouri University of Science and Technology in Rolla, Missouri.

I am responsible for investigations involving specified unlawful activities, to include violent crimes that occur in the Western District of Washington. I am also responsible for enforcing federal arson and explosives laws and related statutes in the Western District of Washington. I have actively participated in investigations of criminal activity, including but not limited to: crimes against persons, crimes against property, narcotics-related crimes, and crimes involving the possession, use, theft, or transfer of firearms. During these investigations, I have also participated in the execution of search warrants and the seizure of evidence indicating the commission of criminal violations. As a law enforcement officer, I have testified under oath, affirmed to applications of search and arrest warrants, and obtained electronic monitoring orders.

The facts set forth in this Affidavit are based on my own personal knowledge; information obtained from other individuals during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint, it does not set forth each and every fact that I, or others, have learned during the course of this investigation.

SUMMARY OF PROBABLE CAUSE

A. The Seattle Police Department and the East Precinct Building.

The Seattle Police Department (“SPD”) is involved in interstate and foreign commerce and in activities affecting interstate and foreign commerce.¹ The Seattle

¹ See *United States v. Odom*, 252 F.3d 1289, 1294 (11th Cir. 2001) (“The legislative history of § 844(i) reveals that the statute was crafted specifically to include some non-business property such as police stations and churches.”) (citing *Russell v. United States*, 471 U.S. 858, 860 (1985)); *United States v. Laton*, 352 F.3d 286, 300 (6th Cir. 2003) (“When it crafted § 844(i) to encompass the arson of police stations, Congress recognized that the provision of emergency services by municipalities can affect interstate commerce in the active sense of the phrase.”) (citing *Jones v. United States*, 529 U.S. 848, 853 n.5 (2000); *Russell*, 471 U.S. at 860–61); *Belflower v. United States*, 129 F.3d 1459, 1462 (11th Cir.1997) (holding that § 844(i) covered the bombing of a police vehicle which a local sheriff’s deputy used in his law enforcement responsibilities and that destruction of a police car had “a significant impact on interstate commerce” because the deputy patrolled traffic and made arrests on an interstate highway,

Police Department also is an institution and organization that receives Federal financial assistance. I have received information from SPD's Chief Administration Officer, who oversees the SPD Grants and Contracts Unit, regarding the numerous federally funded grants SPD is currently receiving. In summary, SPD is presently receiving funding from a variety of federal agencies, including the Department of Justice, the Department of Homeland Security, and the Federal Emergency Management Agency (FEMA). Collectively, these grants total millions of dollars of federal funding provided to SPD in support of a variety of SPD's core duties and missions, including, but not limited to:

- Enhancing the safety of the community in the event of terrorist threats, active shooter threats, natural disasters, and the gathering of information helpful to law enforcement and the community regarding these sorts of serious threats;
- Providing crime prevention strategies and essential services to elderly, non-English speaking residents, refugees, deaf, blind and developmentally disabled residents of Seattle and working with communities to decrease crime by developing, implementing and coordinating crime prevention programs;
- Bolstering security measures related to the protection of the Port of Seattle;
- Funding the investigations of offenses involving acts of terrorism, chemical, radiological, or biological attacks, crimes against children, and human trafficking; and
- COVID Emergency Stimulus Funding used to pay for things such as personal protective equipment for officers; funding to backfill for officers testing positive for COVID or in quarantine; and the cost of providing protection for lives and property in the event of protests against statewide shelter-in-place orders or re-opening guidelines.

issued citations to out-of-state drivers, participated in interstate narcotic investigations, assisted out-of-state authorities in apprehending suspects, recovered stolen property from other states, and attended law enforcement training sessions in other states).

1 The East Precinct building is one of the SPD's primary bases of operation in the
 2 City of Seattle. Among other things, the East Precinct provides 24/7 proactive patrol and
 3 911 emergency response to East Seattle, and other services including bike patrol, Anti-
 4 Crime Teams, Burglary/Theft investigation, Community Police Teams and Crime
 5 Prevention.

6 **B. The Arson at the SPD East Precinct on August 24, 2020.**

7 On August 24, 2020, at approximately 8:00 p.m., demonstrators began gathering at
 8 Cal Anderson Park in Seattle as part of a protest concerning a recent police officer
 9 involved shooting incident in Kenosha, Wisconsin. During the evening, the protestors
 10 marched through Seattle to the SPD East Precinct and then to the SPD West Precinct.
 11 By approximately 11:30 p.m., a group of approximately 200 protestors returned to the
 12 SPD East Precinct.

13 Between 11:31 p.m. and 11:42 p.m., security surveillance cameras captured
 14 footage of an individual – later identified as Desmond David-Pitts – starting a fire against
 15 the sally-port garage door at the East Precinct. This individual was wearing several
 16 distinctive items, including pink camouflage pattern pants, a white banana over his head,
 17 a long-sleeve black shirt, and a blue backpack on his back. As described below, David-
 18 Pitts was wearing all of these items when he was arrested near the East Precinct
 19 approximately 40 minutes after the fire. During a post-arrest interview, David-Pitts
 20 admitted to setting the fire at the East Precinct.

21 The surveillance video shows David-Pitts taking the following actions with respect
 22 to setting the fire at the East Precinct sally-port garage door:

- 23 • At 11:31 p.m., David-Pitts and an unknown individual enter the camera view.
 24 David-Pitts approaches the garage door and appears to grab onto chains
 25 attached to the door, in an unsuccessful effort to pull it open. David-Pitts and
 26 the other person then walk out of the camera view. This unknown individual
 27 was wearing all black clothing, a black hat, ski goggles, and was carrying a
 28 black umbrella.

- 1 • At 11:34 p.m., a trash can is thrown into the camera view and smashes against
2 the sally-port garage door. The camera view does not show who threw the
3 trash can.
- 4 • At 11:35 p.m., David-Pitts reenters the camera view and again pulls on the
5 chains of the garage door several times – often using all of his body weight by
6 jumping up and down – in an apparent attempt to open the door. The door did
7 not open. David-Pitts then knocks down the trash can, reaches inside of it, and
8 throws a glass wine bottle at a nearby door as an SPD officer attempted to open
9 it. David-Pitts then runs out of the camera view.
- 10 • At 11:37 p.m., David-Pitts reenters the camera view and throws a trash bag
11 into the sally-port area towards the garage door. A few seconds later, he and
12 another person enter the sally-port area. David-Pitts moves the trash bag
13 against the garage door, on top of the tipped-over garbage can. He and the
14 other person then depart the camera view. The other person was wearing all
15 black clothing, a black hat or helmet, and a gas mask.
- 16 • At 11:39 p.m., another suspect detonates a firework or similar explosive device
17 against the sally-port garage door. The device causes an explosion and smoke,
18 but does not start a fire. This suspect appears to be the same person described
19 immediately above, wearing black clothing, a black hat/helmet, and gas mask.
- 20 • At 11:40 p.m., two unknown individuals wearing all black clothing can be seen
21 throwing additional garbage bags into the sally-port area in the vicinity of
22 the garage door. A few seconds later, several small fireworks or similar
23 explosive devices are thrown into the sally-port area by individuals who were
24 off camera. The devices cause smoke but do not start a fire.
- 25 • While these fireworks devices are being thrown into the sally-port, David-Pitts
26 reenters the area and approaches some of the garbage bags. David-Pitts
27 appears to use a lighter in his hand to start a fire on one of the garbage bags.
- 28 • At 11:41 p.m., two other people enter the sally-port and assist David-Pitts in
piling the garbage bags – including the one David-Pitts lit on fire – on top of
the trash can against the garage door. These two individuals are wearing all
black clothing, black hats or helmets, and gas masks. David-Pitts kneels next
to the debris pile and can be seen moving his hands around, while flames
emanate from the top of the pile. David-Pitts then walks over to another
garbage bag and appears to try and ignite it with the lighter, although the bag

1 does not seem to catch fire. One of the other individuals carries this garbage
2 bag and places it near the debris pile against the garage door.

- 3 • At 11:42 p.m., David-Pitts re-approaches this garbage bag and successfully
4 ignites it with what appears to be a lighter in his hand. David-Pitts then leaves
5 the flaming garbage bag next to the already burning debris pile against the
6 garage door and departs the sally-port. The flames on the debris pile grow
7 stronger, burning approximately 5-10 feet high.
- 8 • At approximately 11:43 p.m., SPD officers exit the precinct through a second,
9 standard size door in the sally-port area, approach the fire, and successfully put
10 it out with fire extinguishers.

11 The same surveillance camera footage also shows that between 11:33 p.m. and
12 11:41 p.m., while David-Pitts was setting the fire in the sally-port, a group of
13 approximately ten other individuals were attempting to barricade the above-referenced
14 second, standard size door in an apparent effort to prevent officers who were inside of the
15 precinct from exiting through the door. This door is located in the sally-port area within
16 approximately 30-40 feet from where David-Pitts set the fire. These individuals were
17 dressed in all black clothing, black protective head gear or hats, and some of them had
18 gas masks on and/or were carrying black umbrellas used for cover. These individuals
19 smashed the exterior card reader to the door, used a metal rod to barricade the door shut,
20 and used a canister of rapidly drying liquid cement in an attempt to strengthen the
21 barricade and seal the door shut. Officers inside of the precinct were eventually able to
22 force this door open when they exited the precinct to extinguish the fire, as described
23 above.

24 Additional surveillance camera footage shows that between 11:37 p.m. and
25 11:42 p.m., while all of the above described activities were ongoing, a few other
26 individuals set a second fire just around the corner from the sally-port, against the
27 adjacent wall of the East Precinct. These individuals broke through a chain link fence
28 that was protecting the East Precinct, and used garbage bags and other debris to start the
fire against the building. These individuals were similarly dressed in full black clothing

1 and also had black protective head gear or hats, gas masks, and/or black umbrellas. By
2 approximately 11:43 p.m., the flames of this second fire reached up to 10-15 feet in
3 height. Some of the same SPD officers who forced open the barricaded door in the sally-
4 port used fire extinguishers to mitigate the fire, and the Seattle Fire Department
5 ultimately responded to put out the fire.

6 A further review of surveillance camera footage reveals that between 11:31 p.m.
7 and 11:42 p.m., David-Pitts had multiple interactions with various individuals who were
8 dressed in all black, many of whom also had protective head gear or hats, gas masks,
9 and/or black umbrellas, as described above. David-Pitts can be seen walking alongside
10 some of these individuals and speaking with some of them at various times during the
11 footage. As described above, some of these same individuals entered the sally-port along
12 with David-Pitts as he set the fire. In addition, at 11:35 p.m., David-Pitts appears to
13 assist some of these individuals in breaking into the chain link fence inside of which the
14 second fire was set.

15 After the fire against the sally-port garage door was extinguished, investigators
16 were able to inspect the area for fire damage. The structure of the garage door had
17 obvious burn damage, including charring, smoke damage, and flame damage. There was
18 also soot and hot vapor damage on and around the garage door.

19 **C. Arrest of David-Pitts for the Arson.**

20 SPD patrol officers responded to the East Precinct in an effort to maintain public
21 safety. At 12:21 p.m., officers observed David-Pitts in the crowd wearing the distinctive
22 pink camouflage pants. David-Pitts was standing on a street corner yelling obscenities at
23 the officers. The officers confirmed over police radio that there was probable cause to
24 arrest David-Pitts for the arson, and after receiving confirmation they placed him under
25 arrest.

26 Officers read David-Pitts his *Miranda* rights, and David-Pitts verbally
27 acknowledged he understood those rights. David-Pitts told one of the arresting officers
28 that he had just arrived in Seattle from Alaska to observe the demonstrations. When

1 asked if he had set the fire, David-Pitts denied having done so. At the time of his arrest,
2 David-Pitts was wearing the same clothing items as the arsonist depicted on the
3 surveillance video footage, including pink camouflage pants, a long sleeve black shirt, a
4 white bandana over his head, and a blue backpack.

5 At approximately 2:37 a.m., I interviewed David-Pitts along with Detective Scott
6 Kawahara, who works on the SPD Arson and Bomb Squad. The interview was audio
7 recorded and took place inside of the East Precinct. At the outset of the interview,
8 Detective Kawahara read David-Pitts his *Miranda* rights. David-Pitts acknowledged that
9 he understood his rights and agreed to speak with us about the events leading to his
10 arrest. David-Pitts explained that he was from Alaska and flew to Seattle three days prior
11 to the arson, for the purpose of observing and participating in the ongoing protests.
12 David-Pitts stated that he learned about the specific protest on August 24, 2020, through
13 the social media application Instagram.

14 During the interview, David-Pitts admitted that he set the fire in the sally-port of
15 the East Precinct. At one point during the interview, I specifically asked him: "You
16 started the fire by the big blue garage door, correct?" David-Pitts replied, "Literally,
17 right there." David-Pitts later admitted, "My dumb ass, at first, did lie like a stupid ass,"
18 referring to the fact that when he was arrested earlier that night, he had initially falsely
19 denied setting the fire. David-Pitts explained that he started the fire with a lighter that
20 someone provided to him during the protest.

21 During the interview, David-Pitts explained that he and others with whom he is
22 close have had bad experiences with police. He stated that as the protest went on, "My
23 stupid ass got angry. So that's exactly why I was acting the way I did. I'm accountable."
24 Later in the interview, David-Pitts stated that when the protestors approached the door of
25 the East Precinct, "I'm like, ah damn, that's where it fucked up. And then, snap, my
26 angry ass got just, you know, and then it's like you just feed the literal fucking fire."

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28 //

CONCLUSION

Based on the foregoing, I respectfully submit that there is probable cause to believe that DESMOND DAVID-PITTS committed the above-referenced offense.

Michael Collier

MICHAEL J. COLLIER
Special Agent, ATF

The above agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit on the 27th day of August, 2020. Based on the Complaint and the sworn statement, the Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

Mary Alice Theiler

MARY ALICE THEILER
United States Magistrate Judge